IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 18584 of 2002

Between:

Mini Odeon A.C. Theatre, Rep.by its Manager,
C. Nageswara Rao. Chikkadpally,
Hyderabad.

..... PETITIONER

AND

-

1 Commissioner of Police and Licensing Authority

(Cinemas), Basheerbagh, Hyderabad.
2 Films Division, Ministry of Information and

Broadcasting, Government of India, Rep.by its

Branch Manager, Sultan Bazar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents herein in not renewing the B-Form Licence of the Petitioner theatre, as illegal, null, void and arbitrary.

Counsel for the Petitioner: MR.K.DURGA PRASAD

Counsel for Respondent No.1: GP FOR HOME

Counsel for Respondent No.2: Central Govt. Standing Counsel

The Court made the following :

ORDER:

All the petitioners are Cinema Theatres holding licence under Form-B issued under Rule 11 of the Andhra Pradesh Cinemas (Regulation) Rules, 1955. They have also supplied short films by first respondent on payment basis. It appears that the first respondent directed the petitioners to submit statement of accounts from 1.7.1994 for the purpose of fixing rentals for exhibition of approved short films and issued notice in August, 1999. These are assailed in this writ petition on various grounds.

A Division Bench of this Court of which I was a member, in a batch of cases being Writ Appeal Nos.298 of 2001 and batch dated 21.8.2001, considered this aspect of the matter and held that the liability of the cinema theatres to pay rentals for short films has to be determined on resolution of the dispute as to whether short films had been supplied to them or not. This Court also observed that on the ground that rentals were not paid by the theatres to the Film Division, the State cannot refuse to renew the Cinematograph licence unless conditions precedent for renewal of licence are not satisfied.

It is neither disputed nor denied that the ratio laid down by the Division Bench in an unreported judgment in **MAHESWARI 70 M.M. THEATRE v. FILM DIVISION, MINISTRY OF INFORMATION AND BROADCASTING, HYDERABAD & ANOTHER** (W.A.Nos.298 of 2001 and batch) squarely applies to the facts of this case. Therefore, this Writ Petition is disposed of in terms of the judgment of the Division Bench referred to above. No costs.

_____

V.V.S. RAO, J.

29th June, 2005

Js

To

1 Commissioner of Police and Licensing Authority

(Cinemas), Basheerbagh, Hyderabad.

2 Films Division, Ministry of Information and

Broadcasting, Government of India, Rep.by its

Branch Manager, Sultan Bazar, Hyderabad.

3 Two CCs to G.P. for Home, High Court Buildings, Hyderabad.

4 2 CD copies.